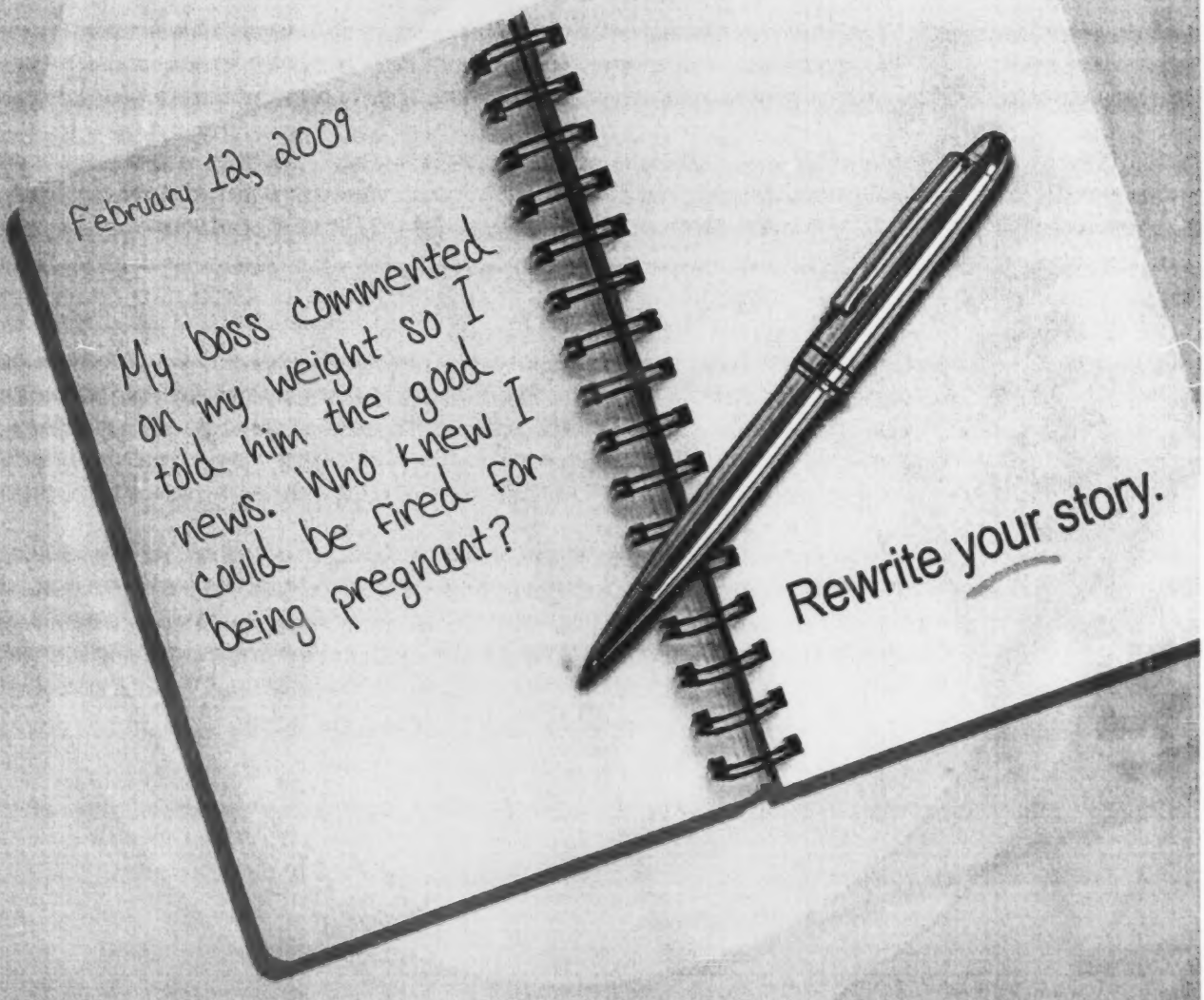
Human Rights Legal Support Centre

Annual Report 2008-2009


February 12, 2009
My boss commented on my weight so I told him the good news. Who knew I could be fired for being pregnant?
Rewrite your story.

The Human Rights Legal Support Centre is an agency of the Government of Ontario

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Message from the Chair

I am pleased to report on the role of the Centre in the rapid and successful start-up of Ontario's new human rights system. The Centre's work in providing legal advice and assistance to applicants is a fundamental underpinning of the new human rights process which distinguishes it from the former regime. The Centre is proud of its achievements in the first nine months of operation, including:

- the provision of legal information and advice to over 15,000 individuals;
- the provision of in-depth legal assistance to over 4,500 individuals, ranging from assistance in completing the Tribunal's application to legal representation at mediations and hearings;
- early resolution of over 150 claims before the Tribunal application process was engaged;
- an 80% settlement rate at mediation.

I am privileged to be associated with the Human Rights Legal Support Centre as its founding Chair. Under the remarkable, energetic leadership of Executive Director Kathy Laird, staff 'hit the ground running' and have faced anticipated and unexpected challenges with grace, creativity and determination. Notably, the public demand for legal services has significantly outstripped expectations for the first year of operation. We are very fortunate to have an experienced and passionate team of lawyers, legal workers and other staff who, in the face of unanticipated demand, have shown dedication and resourcefulness in providing legal services to Ontarians who have experienced discrimination.

I also want to express the Centre's gratitude to the Attorney General, the Honourable Chris Bentley, and his staff and officials, for their support and commitment to the success of the Centre during the formative year of its existence. In creating the Centre, the Province of Ontario undertook an important law reform project at the intersection of access to justice and equality rights that is being closely monitored by the thirteen other Canadian jurisdictions.

Raj Anand
Chair

Message from the Executive Director

The Centre's first year of operation has been exciting and hectic. Since the Centre opened its doors and its telephone lines, it has responded to an average of 100 new inquiries each day from individuals who believe that they have experienced discrimination. Every week the Centre's staff receives requests for assistance from pregnant employees who have been fired; from individuals with disabilities who face barriers accessing a service; from racialized employees who are experiencing workplace harassment; from people in a variety of situations who feel that they have been treated unfairly because of a personal characteristic, such as their age, family status, sexual orientation, religion or place of origin.

The Centre provides advice and assistance to every person who contacts us with an inquiry. Where possible, staff help to resolve a situation by, for example, phoning the employer to explain how Ontario's *Human Rights Code* applies to the employee's situation. The Centre helps individuals decide whether to file an application to the Human Rights Tribunal; helps them to complete and file an application where appropriate; prepares applicants for mediation at the Tribunal or provides legal representation; and represents applicants at hearings before the Tribunal.

> *The challenge for the Centre is to provide the level of service that appropriately meets the needs of every person who seeks assistance. The volume of inquires and requests for service has exceeded expectations. In this Annual Report, the Centre reports on the services that it is providing and the steps that it has taken to try to meet the needs of Ontarians who are experiencing discrimination.*

Ensuring that our service is accessible to all Ontarians is a priority for the Centre. I am very proud that the Centre has in-house language ability in 15 languages, 11 languages on the web site, the assistance of community-based interpreter services across the province, in addition to telephone interpreting services in over 140 languages.

Kathy Laird
Executive Director

Board of Directors

The *Human Rights Code* provides that the work of the Centre will be governed by a Board of Directors appointed by the Government of Ontario. The Board will comprise a minimum of five members who will function under the leadership of the designated Chair.

During the start-up period covered by this annual report, the Centre had two appointed members: Raj Anand, the Chair, and Gina Papageorgiou. By regulation passed in early 2008, the Centre operated under the direction of the Chair, who was given the full authority of the Board until the first Board of Directors' meeting. With further appointments in the fall of 2009, the first meeting of the full Board of Directors will take place in late 2009.

Raj Anand is a partner with WeirFoulds LLP where he practises in the areas of human rights, constitutional and administrative law, labour relations, civil litigation, professional negligence and discipline. He is a former Chief Commissioner of the Ontario Human Rights Commission and has acted as a Board of Inquiry under the Ontario Human Rights Code and the Police Services Act and as counsel to a number of administrative tribunals. He has served on the Board of Directors of two community legal clinics, the Advocates Society and Pro Bono Ontario.

In 2003, Mr. Anand received the Law Society Medal, the highest honour awarded by the Law Society in Ontario. In 2007 he was elected by the profession as a bencher of the Law Society.

In April 2008, Raj Anand was appointed by the Province of Ontario to Chair the Human Rights Legal Support Centre.

Gina Papageorgiou is Counsel to the Class Proceedings Committee of the Law Foundation of Ontario and sits as a Deputy Small Claims Court Judge in Toronto. Prior to this, she was a Litigation Partner at McCarthy Tetrault LLP. Ms. Papageorgiou is the current President and a board member of the Barbra Schlifer Commemorative Clinic and a United Way Speaker.

Ms. Papageorgiou was appointed to the Board of the Human Rights Legal Support Centre by the Province of Ontario in April 2008.

What is Discrimination in Ontario?

Under Ontario's *Human Rights Code*, you can file a human rights application if you have been treated unfairly, discriminated against or harassed because of your race, gender/sex (including pregnancy), sexual orientation, colour, ancestry, place of origin, ethnic origin, marital status (including common-law, divorced, same-sex and separated relationships), age, disability, citizenship, family status or religion.

You can also file an application if you are discriminated against in housing because you receive social assistance, or if you are discriminated against at work because of a criminal record for which a pardon has been granted.

Race, ancestry, colour, place of origin, ethnic origin, citizenship, marital/family status, gender/sex, sexual orientation, age, disability and religion are called "prohibited grounds" of discrimination under the Code.

Introduction to the Centre's Role in the New Human Rights System

Ontario's human rights system has changed.

The Human Rights Legal Support Centre is a new agency created on June 30, 2008 as a result of changes to Ontario's *Human Rights Code*. People experiencing discrimination can now file their applications directly with the Human Rights Tribunal of Ontario. The Tribunal will hear and rule on every application.

There are three separate agencies that deal with human rights in Ontario:

- The Human Rights **Tribunal** of Ontario – where all human rights applications are filed, heard and decided.
- The Ontario Human Rights **Commission** – which focuses on activities to broadly address discrimination including public education and the conduct of inquiries into issues of systemic discrimination.
- The Human Rights Legal Support **Centre** – which provides free legal advice and assistance to people who have experienced discrimination under Ontario's *Human Rights Code*.

How the Centre Offers Legal Services

The Centre accepts requests for service at all stages of the human rights process: before an application is filed; before mediation; and before the hearing. At each stage, the Centre will assess the level of service that is required for the individual.

Sometimes an individual wants a legal opinion about whether he or she has experienced discrimination and whether it is possible to make an application to the Tribunal to seek redress for the experience of discrimination.

Sometimes an individual will want assistance in settling a claim without going to the Tribunal. There are many reasons why people will choose not to litigate an issue, even if the Centre is offering legal support and representation.

Many callers want the Centre to provide them with a lawyer or paralegal to represent them at mediation or at their hearing before the Tribunal.

Service is Provided Across Ontario

The Centre provides service across Ontario. Although its main office is located in Toronto, staff from the Toronto office travelled to attend mediations and hearings for individuals in all parts of the province. In addition, in 2008/09, the Centre was able to team up with Legal Aid Ontario community legal clinics to place staff in St. Catharines, Sault Ste. Marie, Sarnia, Ottawa and Brampton.

Intake is the First Step

For individuals seeking legal advice and assistance, the first point of service is through the Centre's telephone lines. A Human Rights Advisor determines if a call is about a human rights issue. The Advisor will either provide immediate legal advice and assistance or schedule an interview with one of our legal staff. If a caller does not raise a human rights issue, the Advisor will refer the person to another agency that can provide the appropriate assistance.

About 18% of intake inquiries are not about human rights issues. For example, a caller may have experienced a workplace dispute that does not involve discriminatory conduct. Another 28% of callers have general questions about human rights but are not contacting the Centre because they want to pursue a discrimination claim. The Centre's primary mandate is to provide legal services to people who have experienced discrimination and want to file a human rights application.

Interview with a Lawyer or Paralegal

An individual who has a possible human rights claim and who needs legal assistance is scheduled for an interview with a lawyer or paralegal. Often a Human Rights Advisor will assist an individual to complete and file their own application at the Tribunal and, in addition, schedule the individual for a legal interview prior to their mediation. However, where a potential claimant lacks the skill or ability to complete the application form, even with the Centre's assistance, the claimant is scheduled for an interview with legal staff so that the Centre will be able to prepare and file the application on the claimant's behalf.

Where a claim falls outside the Tribunal's jurisdiction or is not supportable under the *Code*, legal staff will provide the person with a legal opinion to that effect. If the person wants to proceed to file an application notwithstanding the Centre's legal opinion, staff will provide the individual

with summary information about the application process but not ongoing legal assistance.

Assistance in Resolving a Claim without Filing an Application

An important part of the Centre's service is to attempt to identify claims that might be resolved early and without an application to the Tribunal. Every week, about ten potential applications are diverted into an early resolution stream. Over 150 cases were settled through early intervention in the Centre's first nine months of operation.

Assistance at Mediation

Prior to a scheduled mediation at the Tribunal, the Centre will meet with an applicant to prepare them for mediation and to determine if it is an appropriate case for the Centre to provide representation at mediation. The Centre has achieved a settlement rate at mediation that is significantly higher than the Tribunal average rate of settlement – approximately 80%. The Centre represents as many applicants at mediations as its resources allow, giving priority to individuals who would face challenges in representing their own interests in settlement negotiations.

Duty Counsel Pilot Project

From February to May 2009, the Centre offered a Duty Counsel service to applicants attending mediations at the Tribunal's busy Toronto location. Surveys showed that over 90% of clients who received this service were very satisfied. Unfortunately, the Centre was unable to maintain the service due to a shortfall in its own resources. As more of the Centre's files reached scheduled mediation and hearing dates, the Centre did not have enough staff to send a complement as mediation Duty Counsel.

Representation at a Tribunal Hearing

In its first nine months, none of the Centre's applications had reached the stage of a full hearing on the merits. However, the Centre was retained in almost 375 tribunal proceedings by the end of the 2008/09 year. The Centre will provide representation at hearings across the province in the coming year.

Why the Centre is needed:

Discrimination is a Fact of Life in Ontario Today

Many people are shocked to discover that discrimination is still an everyday experience in Ontario - based on the colour of a person's skin or their country of origin or religion, based on gender or sexual orientation or disability, or on any of the other prohibited grounds of discrimination listed in Ontario's *Human Rights Code.*

The human rights protections originally enacted in Ontario in 1962 are still needed today. The Centre has evidence of this from the hundreds of calls it receives each week. Two studies released in 2008 demonstrate the continuing need for an accessible human rights enforcement system that supports individuals in seeking private and public remedies for discriminatory treatment.

Finding an Apartment to Rent

In the summer of 2008, the Centre for Equality Rights in Accommodation (CERA) conducted a "discrimination audit" of Toronto landlords. CERA testers made over 1000 telephone calls in response to vacant apartment listings to see if the apartment would be equally available to, for example, a person with an identifiable South Asian accent versus a person without a discernable accent.

The study found that:

- ". . . across Toronto, at least 6,000 single mothers and their children, 10,000 South Asian renters, 15,000 social assistance recipients and tens of thousands of people with mental illness experience discrimination every year when they call to ask about a vacant apartment."

See the Report at: Sorry, It's Rented.
(http://www.equalityrights.org/cera/docs/CERAFinalReport.pdf)

Looking for Work

An experiment was conducted jointly by Simon Fraser University and the University of British Columbia in 2008 to test how employers recruiting new employees responded to applicants with "foreign" sounding names as compared to "anglicized" names. In all, 6,000 resumes were sent out to potential employers.

The study found that:

- "English-named applicants with Canadian education and experience were more than three times [more likely to be invited for an interview as] compared to applicants with Chinese, Indian, or Pakistani names with foreign education and experience (5 percent versus 16 percent)";
- "[Canadians] with English-sounding names received interview requests 40 percent more often than applicants with Chinese, Indian, or Pakistani names."

See the report at: Why Do Skilled Immigrants Struggle in the Labour Market?
(http://mbc.metropolis.net/Virtual%20Library/2009/WP09-03.pdf)

The Year in Statistics[1]

The period covered by this annual report is the first nine months of the Centre's operation, from June 30, 2008 to March 31, 2009.

Notably, these statistics reflect the fact that this was only part of the first year of a new process and accordingly, the Centre's services changed as the year progressed. The mediations were first scheduled by the Tribunal for dates in late 2008 and early 2009. None of the Centre's applications had reached the stage of a full hearing on the merits by March 31, 2009.

Statistical highlights:

- The Centre responded to inquiries from 15,140 individuals in its first nine months of operation.

- 10 – 12 individuals each week received emergency or early intervention assistance – that is, a quick intervention to assist an individual without filing an application at the Tribunal, resulting in full or partial settlement in more than 70% of the cases.

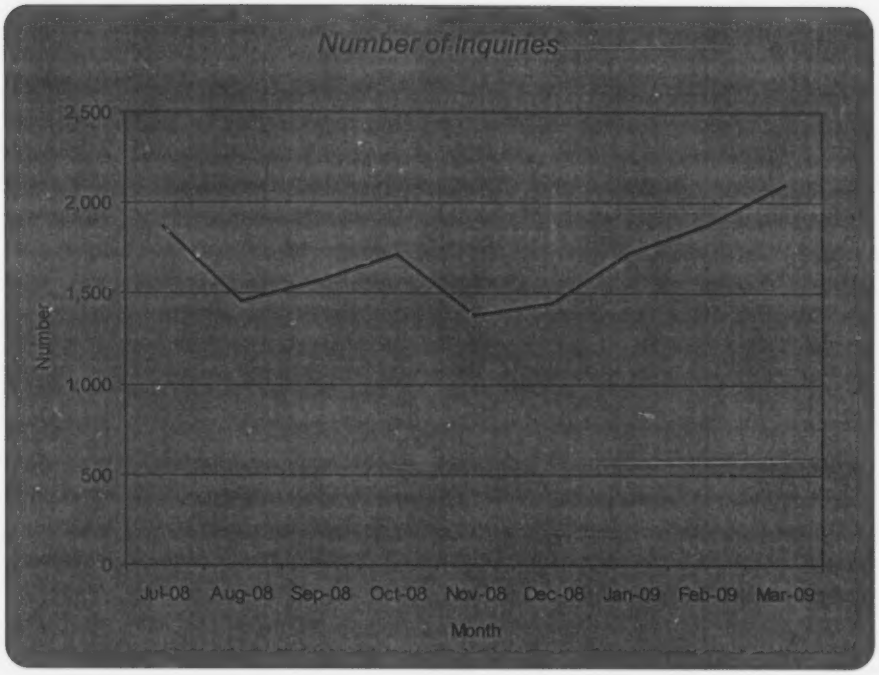
The Centre has been successful in settling approximately 80% of its cases that go to mediation at Tribunal.

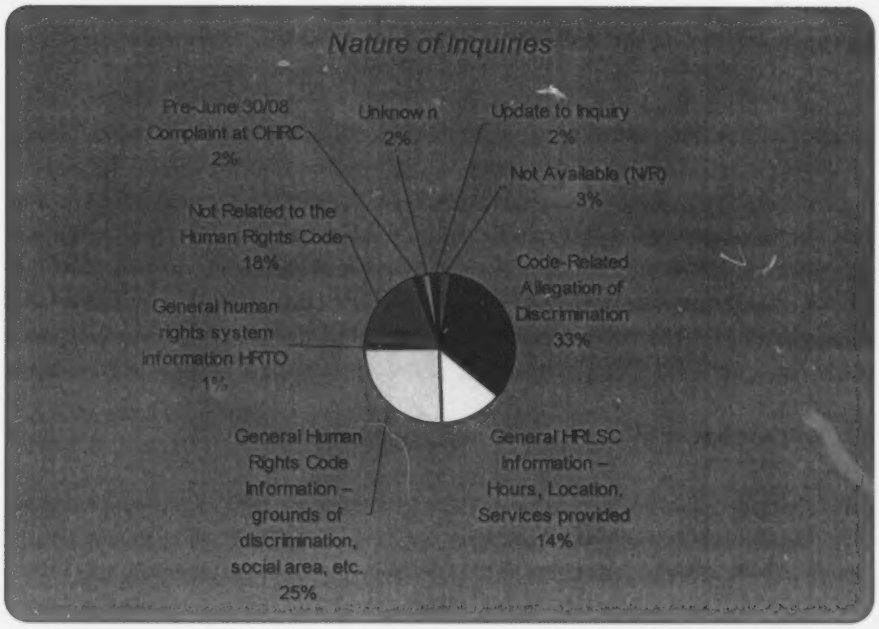
- The Centre was retained in almost 375 applications at the Tribunal up to March 31, 2009. The breakdown of the grounds of discrimination in these applications is set out below.

    - Disability: 48%
    - Sex, Sexual Orientation, Pregnancy, Sexual Harassment, Gender: 22%
    - Race, Colour, Ethnic Origin, Place of Origin: 16%
    - Family, Marital Status: 7%
    - Age: 5%
    - Creed, Religion: 1%
    - Criminal Conviction: 1%

- In the first nine months, the Centre provided legal assistance to an additional 1,500 individuals who completed their own applications at the Tribunal.

[1] The HRLSC does not have a fully functioning case management system. The statistics provided in this report are based on the best information available.


Number of Inquiries
2,500
2,000
1,500
1,000
500
0
Number
Jul-08
Aug-08
Sep-08
Oct-08
Nov-08
Dec-08
Jan-09
Feb-09
Mar-09
Month


Nature of Inquiries
Pre-June 30/08 Complaint at OHRC 2%
Unknown 2%
Update to Inquiry 2%
Not Available (NYR) 3%
Not Related to the Human Rights Code 18%
Code-Related Allegation of Discrimination 33%
General human rights system information HRTO 1%
General Human Rights Code Information – grounds of discrimination, social area, etc. 25%
General HRLSC Information – Hours, Location, Services provided 14%

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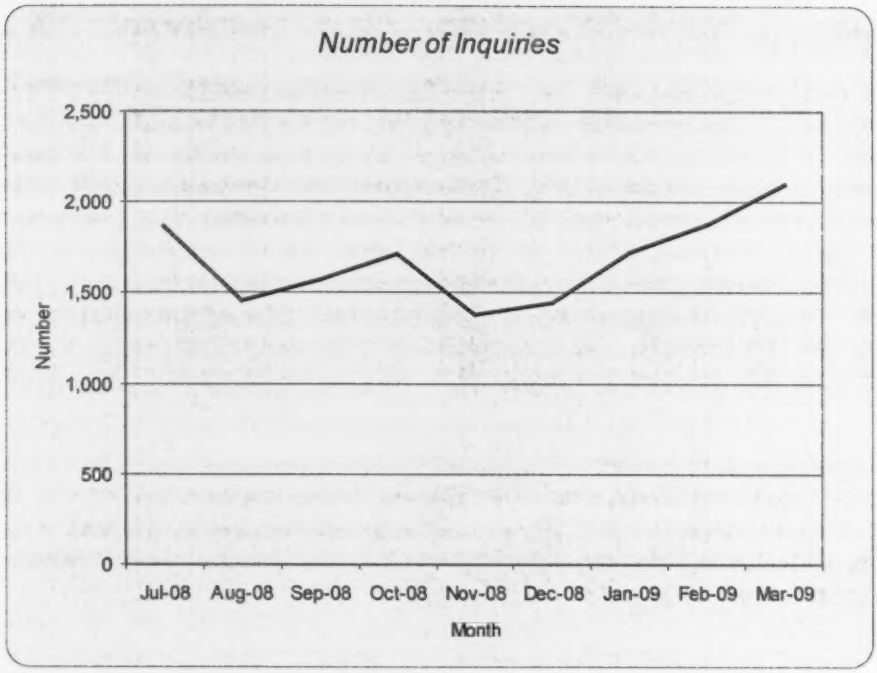
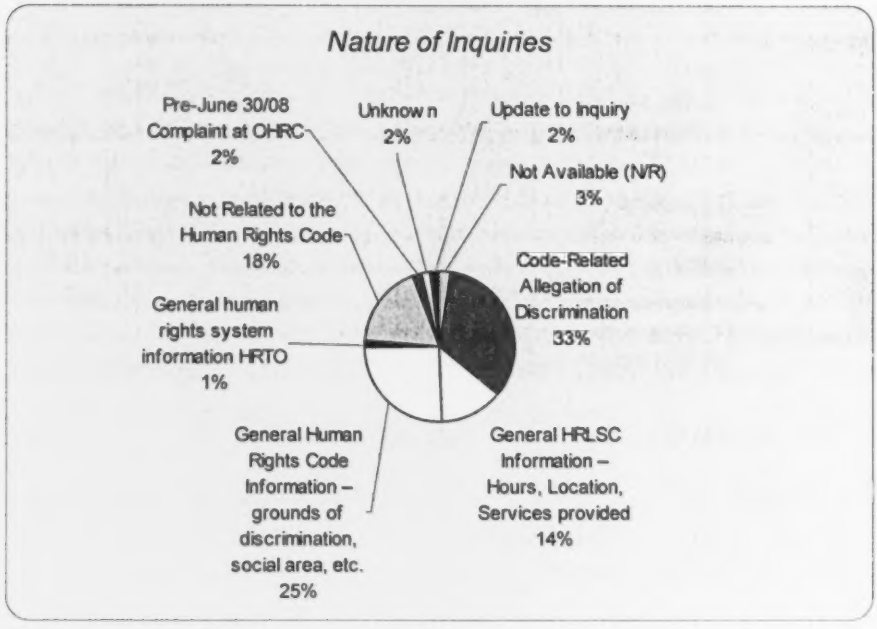

Number of Inquiries
2,500
2,000
1,500
1,000
500
0
Number
Jul-08
Aug-08
Sep-08
Oct-08
Nov-08
Dec-08
Jan-09
Feb-09
Mar-09
Month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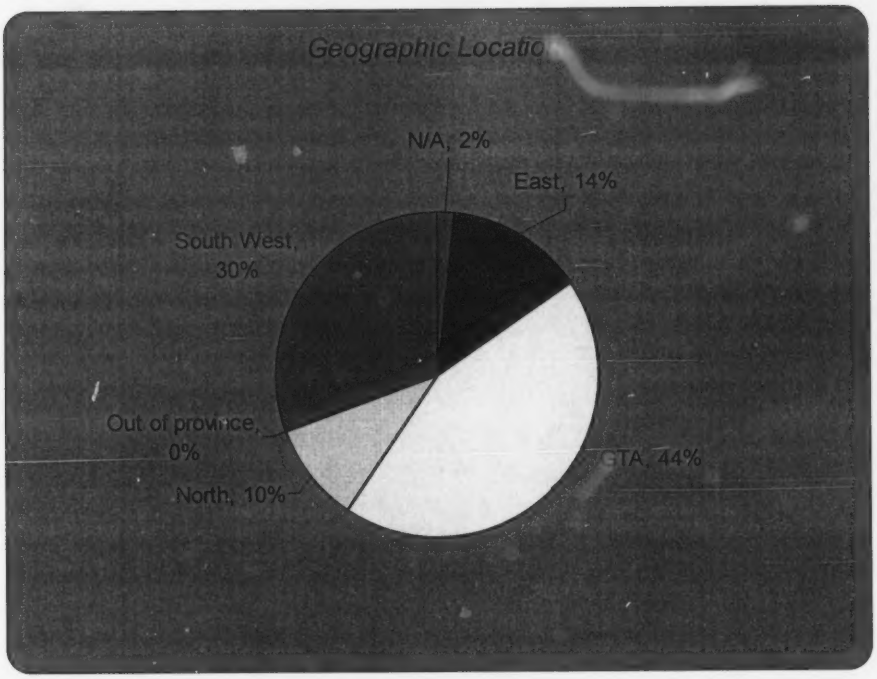
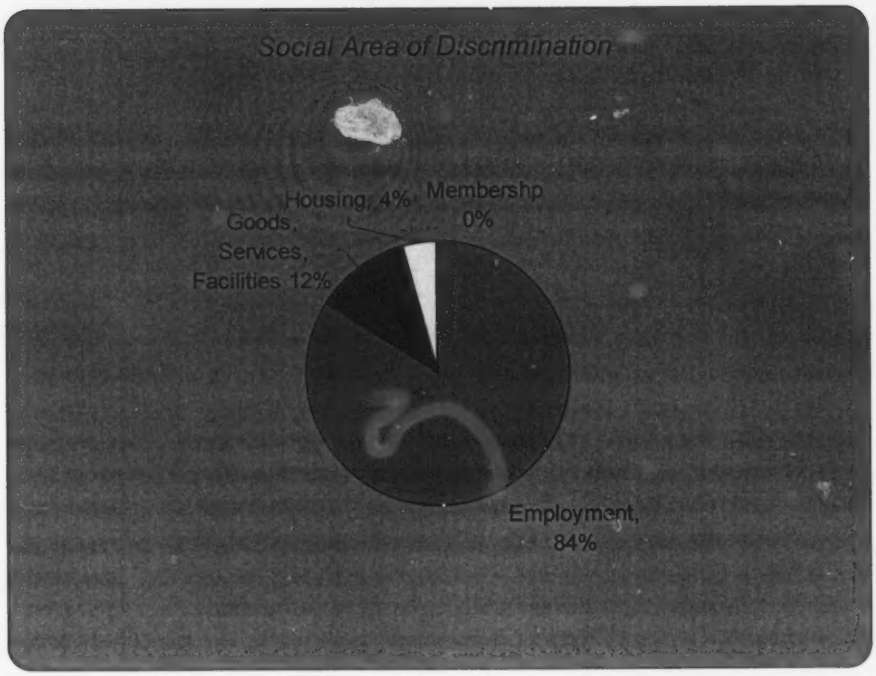

Geographic Locatio
N/A, 2%
East, 14%
South West, 30%
Out of province, 0%
North, 10%
GTA, 44%


Social Area of Discrimination
Housing, 4%
Membershp 0%
Goods, Services, Facilities 12%
Employment, 84%

Outreach to Communities: Sharing Information on Human Rights

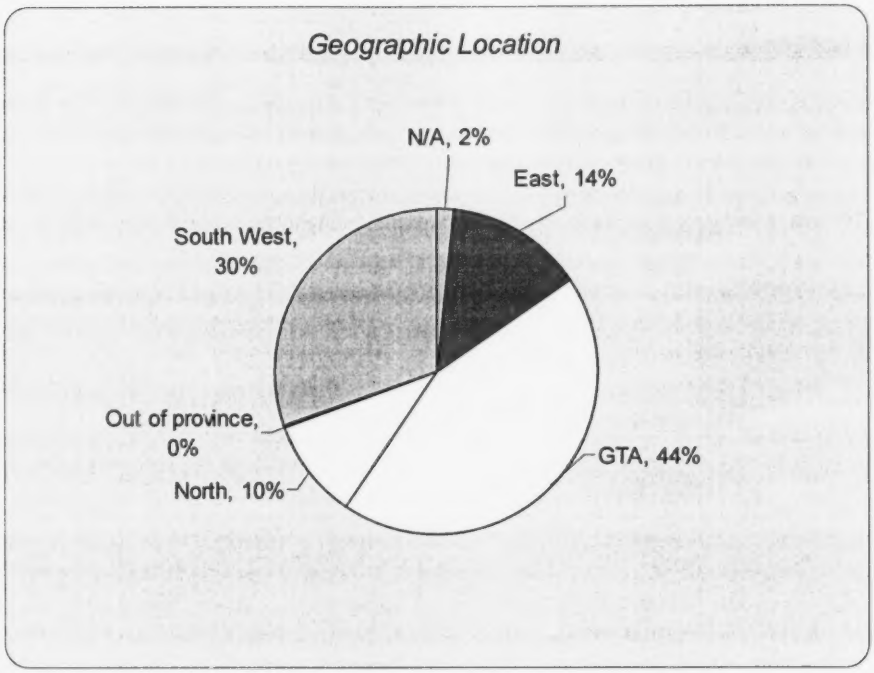
Public Forums

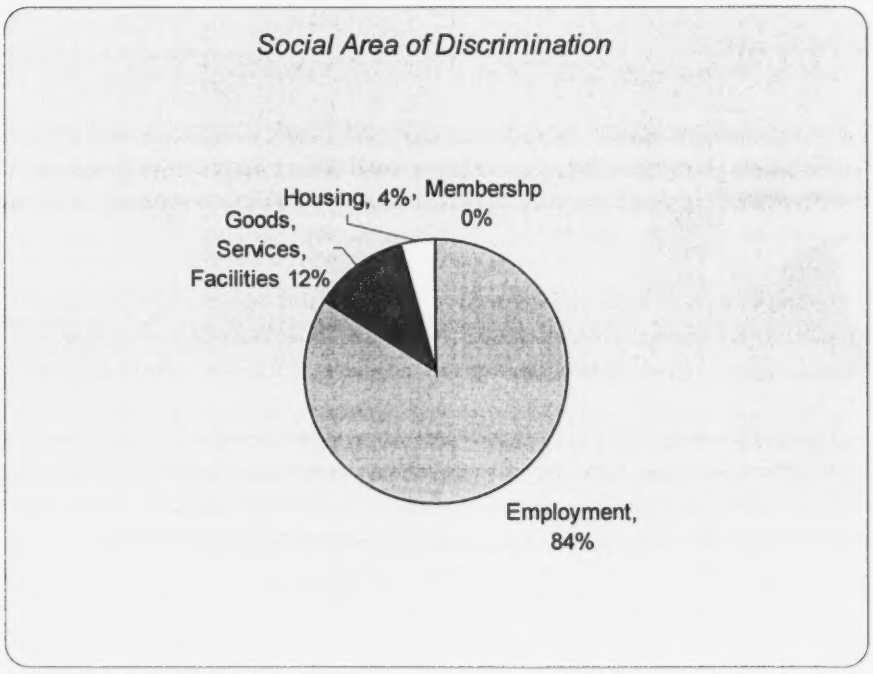
In order to make the Centre's services known to the public, the Centre undertook a public outreach initiative in 2008/09 that included speaking engagements at many community-based forums including events organized by:

- Access Alliance Multicultural Health and Community Services
- ARCH Disability Law Centre
- Housing Help Association of Ontario
- Metropolitan Action Committee on Violence Against Women and Children
- Ontario Council of Agencies Serving Immigrants
- Metro Toronto Chinese and Southeast Asian Legal Clinic
- Community Living Ontario
- COSTI Settlement Services
- Caregivers Action Centre
- Justice for Migrant Farmworkers
- Kenora Forum on Policing and Discrimination
- Southwestern Ontario Regional Legal Clinics
- Eastern Ontario Regional Legal Clinics
- Windsor Women Working With Immigrant Women
- Workers' Help Centre in Quinte County

Staff from the Centre also presented at legal education sessions at the Universities of Toronto, York, Ryerson, Windsor, as well as at George Brown and Sheridan Colleges. This was in addition to professional continuing legal educational presentations by Centre staff at conferences of the Law Society of Upper Canada and the Ontario Bar Association.

Raj Anand, as Chair of the Board of Directors, was invited to speak on a number of occasions about the mandate and work of the Centre, at seminars such as the annual Conference of Ontario Boards and Agencies and the annual congress of the Association des juristes d'expression française de l'Ontario.


Geographic Location
N/A, 2%
East, 14%
South West, 30%
Out of province, 0%
North, 10%
GTA, 44%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Public education materials

The need for accessible, easy-to-use written materials on common human rights questions and on the new application process was identified by the Centre early on in its first year. In 2008, the Centre published a general brochure on Ontario's new human rights system and translated it into nine languages, in addition to English and French.

As well, the Centre teamed up with four other agencies - the Centre for Equality Rights in Housing, the Workers' Action Centre, the Psychiatric Patient Advocate Office and Access Alliance Multicultural Health and Community Centre - to co-produce and translate four publications into nine languages, in addition to English and French.

The publications available in Chinese, Vietnamese, Urdu, Arabic, Somali, Spanish, Tamil, Punjabi, Tagalog were:

- Ontario's New Human Rights System
- Housing and Human Rights Guide
- Human Rights Legal Information for Casual and Temporary Workers
- Guide to Filing an Application to the Human Rights Tribunal of Ontario.
- Human Rights Legal Information for Pregnant Workers.

The Centre would like to thank the many community reviewers who helped ensure that translations reflected the most appropriate language, including: the Arab Canadian Lawyers Association, the Metro Toronto Chinese and Southeast Asian Legal Clinic and the Workers' Action Centre.

The Centre will work with partners to develop more materials.

The Centre's first nine months were an active time for staff training. The Centre held over 35 internal training sessions on a wide range of topics including: medical disclosure, racism and oppression, and long-term disability and issues in employment law. In particular, the Centre would like to thank the staff at the Ontario Human Rights Commission, the ARCH Disability Law Centre and Cavalluzzo Hayes Shilton McIntyre & Cornish for contributing to the in-house staff training program.

Challenges from the First Year

The first year of any new agency serving the public is expected to be challenging. This was particularly true for the Centre. Tight timeframes meant that the Centre had to commence delivering service to the public before the full staff had commenced employment.

On June 30, 2008, the Centre moved into its temporary office space and opened its doors to the public. The new legislation became effective that day and the phones starting to ring with requests for legal services. By the end of the first week, over 450 people had phoned the Centre seeking legal advice and assistance.

The statistics in this report demonstrate that this level of demand has not slackened since the first day of the Centre's operation. Two challenging issues are discussed below.

Volume of Inquiries

The Centre responded to inquiries requesting assistance from over 15,000 individuals in its first nine months of operation. Most initial inquiries are made by telephone and statistics show that 48% of callers to the inquiries line hung up before their call could be answered. Telephone wait times have averaged 13 minutes, well in excess of reasonable public expectations. Improved efficiencies reduced the length of the average intake call, but increased call volumes after January 2009 eliminated the temporary benefit in terms of shorter wait times.

The Centre is very actively seeking solutions to this problem, including expanding its inquiries staff. We are also exploring other potential measures that could contribute to a solution, including opportunities to share responsibility for responding to the public demand for general human rights information. Notably, only about half of the calls to the Centre's inquiry lines were from individuals who wanted the Centre's legal assistance in respect of an experience of discrimination. The Centre is now the primary point of telephone access for Ontarians seeking general information about discrimination. With limited resources, the need to respond to a large number of general human rights questions means that less staff time is available for the Centre's core service - the provision of legal assistance to people who have experienced discrimination and who want to pursue a human rights application.

The Centre is also working with legal clinics, community agencies and advocacy groups to deliver human rights training and to develop accessible public legal education materials, with the twin goals of encouraging appropriate referrals to the Centre and supporting local agencies as a source of general human rights information for individuals in their communities.

The Centre would also like to acknowledge the role of the Centre for Equality Rights in Accommodation (CERA) in meeting the demand across Ontario for summary legal assistance to individuals experiencing discrimination in housing. CERA responds each week to 35-40 callers who are facing possible human rights violations in respect of their housing, often in situations where immediate intervention is the best and most appropriate approach. These are calls that the Centre does not have the capacity to handle.

Requests for Representation at Mediations and Hearings

The Centre's experience in its first year of operations indicates that the Tribunal's initial application process is sufficiently straightforward to enable many people to complete their own applications with assistance, but not representation, from the Centre. The Centre has focused its resources to meet the demand for legal representation at the later stages of the Tribunal process – mediation and adjudication – in order to provide service where it is most needed by unsophisticated applicants. However, the Centre's resources have been stretched in trying to provide an appropriate level of service at mediation and adjudication. An early pilot project to provide duty counsel assistance at Tribunal mediations in Toronto had to be cancelled so that staff could be deployed to other priorities. The Centre also quickly determined that it lacked the capacity to provide any legal services to applicants in the complaint backlog which existed prior to June 30, 2008. Most significantly, the number of new applications that require legal representation at hearings is significantly higher than initially anticipated.

To date, the Centre has been able to provide representation to applicants with meritorious claims who would face barriers in self-representing at Tribunal hearings. In the coming year, as more applications at the Tribunal move through mediation and to hearings, increasing the Centre's caseload, it will be extremely challenging for the Centre to continue to offer representation to all applicants who need legal assistance.

Measures To Address the Challenges

In addition to the steps discussed above, the Centre is working on the following initiatives that may assist in addressing the demand for its services.

Service eligibility guidelines

The Centre has developed draft guidelines to assist staff in targeting the level of support to the needs of the individual requesting service. A copy of the guidelines is posted on the Centre's website. Where an individual has access to other legal resources or is capable of self-representing, particularly at the early stages of the Tribunal process, the Centre may decide to provide legal assistance rather than full representation.

Pro Bono lawyer panel

The Centre has established a panel of pro bono lawyers in Toronto and Ottawa who are willing to represent a limited number of the Centre's clients at Tribunal mediations. The Centre will be expanding this initiative in the coming year.

Partnerships with Student Legal Aid Societies (SLAS)

The Centre has teamed up with University of Ottawa SLAS to train and support students to provide service to a limited number of Ottawa-based clients who want to use this free legal service. The Centre will be exploring the possibility of expanding this initiative to include other student legal services in the coming year.

Self-help and public legal education materials

The Centre has undertaken to produce a series of accessible brochures and guides to assist applicants who have the skills necessary to prepare and file their own applications.

Successes in Settling Applications

The Centre achieved good results in its efforts to negotiate settlement agreements on behalf of claimants at all stages of the human rights process – before an application is filed, at mediation at the Tribunal, or sometimes just before a hearing begins.

Pre-Application settlements

Below are some examples of settlements negotiated by Centre staff *before* an application was filed at the Human Rights Tribunal.

- An employer refused to recall a long-term employee with vision loss, after a temporary lay off. The Centre negotiated a substantial financial settlement of $80,000.

- A single working parent with a young family, including a child with a disability had arranged childcare based on her regular work schedule. A new manager at her workplace introduced a new requirement that employees had to work 2 weekends per month. The parent was not able to secure adequate childcare on the weekends and the new manager threatened to terminate her. The Centre negotiated a modified work schedule that met the employee's needs.

- A man aged sixty-five was offered job but the offer was immediately rescinded when he told his new employer his age. The Centre successfully negotiated reinstatement of the employment offer.

- An employer refused to allow the return of an employee who had been on sick leave but who was cleared by the doctor to return to work with modified duties. The Centre negotiated a settlement to make up for lost wages and the employee found alternate employment.

- A learning-disabled student was denied routine accommodation to write an examination. After the Centre's discussion with the institution, the student was allowed to write the exam with the necessary accommodation.

Mediated Settlements

The Centre provided representation at Tribunal mediations during the last five months of the 2008/9 year. The first mediations under the new system were scheduled by the Tribunal commencing in October/November 2008.

The Centre has been able to negotiate a settlement acceptable to the applicant in over 80% of the Tribunal mediations at which the Centre provided representation.

Here are some examples of what the Centre was able to achieve for applicants at Tribunal mediations during 2008/9.

Maternity leave leads to poisoned work environment

A manager at a travel agency started to have difficulties with morning sickness in the last two months of her pregnancy. Her request for additional support at the office to accommodate her illness was refused. While she was on maternity leave, a company representative pressured her to give up her management job, remarking to her that women who go on maternity leave and have children do not really want to be managers. She returned to a hostile work environment after her maternity leave and she eventually left the office.

The Centre negotiated $20,000 in damages and $7,500 in lost earnings and the employer agreed to provide human rights training for its managers.

Promotion blocked

A woman with a disabled child was concerned that she was not being interviewed for more senior positions at her workplace, a large manufacturing plant. When she asked her manager why she hadn't been interviewed despite applying for management positions, she was told that she had too much on her plate, given her children and particularly her disabled son. The company felt that since she had taken maternity leaves and vacation, she was not really a "team player" who could be relied upon as a manager.

The Centre negotiated an agreement for $20,000 in general damages; guaranteed interviews for the next three management positions; and mandatory training for all management staff on gender-based discrimination.

Racial slurs at the workplace

A Black woman born outside of Canada worked at a small firm where she was the only racialized employee. Although the first few months went well, she was the target of a direct racial slur and later subjected to comments about people from her country. After speaking to her supervisor about the comments, the supervisor began over-scrutinizing her work and giving her more tasks to perform than previously.

Eventually, the woman wrote a letter to the president of the company about her treatment, including the discriminatory remarks. The next day she received a letter from the president informing her that she was dismissed because of conflict with her supervisor and that her claim of discrimination was unfounded.

The Centre negotiated a settlement of $15,000 in compensation for the discrimination and a favourable letter of reference. The company also agreed to develop an anti-discrimination policy and to provide training to its staff.

Harassment by supervisor

A woman worked in a small office where her supervisor made repeated comments about her body and religion. Over time, the commentary increased and affected the woman's health. She left the workplace on medical leave after two years of harassment.

At mediation, the Centre negotiated a settlement where she received a letter of regret and $22,500.

Questions about sexual orientation at a job interview

At a job interview for a cleaning company, a woman was asked if she was a lesbian and told she dressed like a boy. She was not hired.

At mediation, the Centre negotiated compensation of $6,000 for the woman and an agreement to provide human rights training to its staff within six months. The company also offered profound apologies.

Trying to return to work

A woman employed by a large company was subjected to sexual harassment and eventually went on sick leave as a result. She attempted to return to work but was sent home on the basis that she was not yet "fit to work" because of depression and anxiety. She made a full recovery while remaining in regular contact with the company over the next few months. When she asked to return to work, the company did not provide her with a date and appeared to be stalling.

At mediation, the company conceded that it had not facilitated an appropriate return to work. The Centre negotiated a settlement of $15,000 and the woman returned to her previous position with the company.

Needing accommodation to work day shift

A man who worked with people in crisis developed a physical disability and a sleep disorder. He provided a medical note to the workplace that indicated he could only work day shifts. Despite many meetings with the employer and the union, the employee was not returned to work on day shift.

At mediation, the Centre negotiated a $20,000 settlement and it was agreed that all full-time union members would undergo human rights training.

Wheelchair accessibility in rental housing

A woman moved into a slightly modified rental unit on the understanding the housing provider would make the apartment fully wheelchair accessible. Only minor renovations were made before the housing provider took the position that it couldn't afford to make the unit accessible. Her wheelchair had caused some damage in the unit and the housing provider wanted to charge her for the repairs.

At mediation, the Centre negotiated compensation of $8,000 for the tenant and she found alternative and accessible accommodation.

Racial targeting on public transit

A Black man in his late 20's, who was wearing earphones and listening to music, was told by a bus driver to turn his music down. There were a number of other non-racialized people on the bus who were also listening to music on earphones. The young Black man was the only one told to turn the music down, notwithstanding the fact that no one on the bus had complained and it did not appear to him that his music could be heard by others. Two weeks later, the same thing happened again with the same bus driver. The young man asked for the bus driver's name. The driver interpreted this as a threat

and called for an inspector. The inspector banned the man from using any public transit that evening. The man was a three hour walk from home.

At mediation, the Centre negotiated compensation of $2,500, and a letter of apology from the transit company.

Public Interest Remedies: The big picture

One of the goals of human rights enforcement is to try to prevent the discrimination from happening again, and to encourage organizations to educate staff and volunteers about discrimination. Sometimes a single human rights application can change practices right across the province.

When the Centre asks the Ontario Human Rights Tribunal to make an order or approve a mediation settlement that includes directions to change the practice of a landlord, employer or service provider, it is called a "public interest remedy" – a solution that is designed to benefit a wider group of people than the individual who brought forward the human rights application.

Three examples of public interest remedies that were negotiated by the Centre at mediation are set out below.

The Call Centre

A call centre employee was being repeatedly harassed by callers who made racist remarks. At mediation, the Centre negotiated an agreement that included measures to prevent it from happening again.

- The call centre agreed to provide training for employees on their right to a non-discriminatory work environment, including information on the employer's obligations in situations where customers subject employees to discriminatory or harassing conduct.
- The call centre agreed to distribute, within 14 days of the date of settlement, a new workplace policy dealing with discriminatory or harassing statements by customers on the basis of race, place of origin, ethnic origin or any other prohibited grounds of discrimination.
- The call centre agreed to provide, within 12 months, a two-hour human rights training session for all of its managerial and supervisory personnel, delivered by a qualified external human rights consultant or lawyer.

The Recreation Facility

A racialized family with young children was publicly humiliated by being forced by a large security contingent to leave an outdoor recreation facility after a complaint that one of the children had played the car radio too loudly during daylight hours.

The family filed the application in order to prevent the same thing from happening to anyone else. At mediation, the Centre negotiated an agreement that included a requirement that the facility undertake to provide training to their staff on racial profiling and cross-cultural communication issues.

- The facility agreed to deliver in-house training to staff after retaining an expert community-based organization to review and advise on the scope and content of the training program.
- The facility also agreed to retain the same or a similar organization on a pilot project basis to provide direct training to their staff at one location to determine if this level of training could be offered at all locations across the province.

The agreement also provided that the person who made the application will receive reports on the implementation of the training programs and on the results of the pilot project.

The Shopping Mall

A woman who had transitioned from a man was using the women's washroom at a shopping mall. Security stopped her and publicly humiliated her by demanding that she leave the woman's washroom area. She was then banned from further use of the mall.

At mediation, the Centre negotiated an agreement that included training to prevent similar occurrences in the future.

- The security company agreed to implement mandatory training on the use of gender-segregated washrooms by transsexual individuals for all its security guards across the province within 6 months, and to provide priority training within 7 days for guards at the mall where the event took place.
- The security company agreed to establish a protocol for situations where a security guard has concerns about an individual's self-identification as a transsexual.
- The security company also lifted the ban on the applicant's use of the mall and provided her with a letter of regret.

Audited Financial Statements

HUMAN RIGHTS LEGAL SUPPORT CENTRE

FINANCIAL STATEMENTS

MARCH 31, 2009

RECEIVED
JUL 3 0 2009

Hilborn Ellis Grant LLP
Chartered Accountants
Toronto, Ontario

Hilborn Ellis Grant LLP
Chartered Accountants

Auditors' Report

To the Director of
Human Rights Legal Support Centre

We have audited the statement of financial position of **Human Rights Legal Support Centre** as at March 31, 2009 and the statements of operations, net assets and cash flows for the year then ended. These financial statements are the responsibility of the Centre's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In our opinion, these financial statements present fairly, in all material respects, the financial position of the Centre as at March 31, 2009 and the results of its operations and its cash flows for the year then ended in accordance with Canadian generally accepted accounting principles.

Hilborn Ellis Grant LLP

Toronto, Ontario
June 12, 2009

Chartered Accountants
Licensed Public Accountants

HUMAN RIGHTS LEGAL SUPPORT CENTRE

Statement of Financial Position

March 31, 2009

	$
ASSETS	
Current assets	
Cash	207,579
Accounts receivable	2,061
Prepaid expenses	9,544
	219,184
LIABILITIES	
Current liabilities	
Accounts payable and accrued liabilities	263,738
NET ASSETS	(44,554)
	219,184

Approved on behalf of the Board:

Director

HUMAN RIGHTS LEGAL SUPPORT CENTRE

Statement of Operations

Year ended March 31, 2009

	$
Revenues	
Ministry of the Attorney General	3,149,366
Expenditures	
Salaries and wages	2,169,791
Employee benefits	411,532
Outside services	238,731
Office and general	149,663
Province wide service delivery	90,746
Management services	61,136
Professional dues and insurance	41,760
Communications	30,561
	3,193,920
Excess of expenditures over revenues for year	(44,554)

Statement of Net Assets

Year ended March 31, 2009

	$
Net assets, beginning of year	-
Excess of expenditures over revenues for year	(44,554)
Net assets (deficit), end of year	(44,554)

HUMAN RIGHTS LEGAL SUPPORT CENTRE

Statement of Cash Flows

Year ended March 31, 2009

	$
Cash flows from operating activities	
Excess of expenditures over revenues for year	(44,554)
Change in non-cash working capital items	
Increase in accounts receivable	(2,061)
Increase in prepaid expenses	(9,544)
Increase in accounts payable and accrued liabilities	263,738
Increase in cash	207,579
Cash, beginning of year	-
Cash, end of year	207,579

March 31, 2009

1. **Nature of operations**

Human Rights Legal Support Centre ("Centre") was established December 20, 2006, as a corporation without share capital as a result of Royal Assent being granted to Section 45.11 of the Human Rights Code Amendment Act, 2006. The legislation took effect on June 30, 2008 and the Centre opened on that day.

The Centre is not a Crown agency, but is designated as an operational service agency and reports to the Ministry of the Attorney General ("MAG"). The Centre is independent from, but accountable to the Government of Ontario. Pursuant to a Memorandum of Understanding ("MOU") between the Centre and the Attorney General for the Province of Ontario the objects of the Centre are:

(a) to establish and administer a cost-effective and efficient system for providing support services, including legal services, respecting applications to the Ontario Human Rights Tribunal under Part IV of the code; and

(b) to establish policies and priorities for the provision of support services based on financial resources.

The Centre is a not-for-profit organization and as such is exempt from income taxes.

2. **Significant accounting policies**

(a) **Revenue recognition**

The Centre receives revenue from the MAG. The amounts are recorded as revenue when received or receivable. All of the funds received are restricted as to use for purposes set out in the MOU.

(b) **Management estimates**

The preparation of financial statements in conformity with Canadian generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosures of contingent liabilities at the date of the financial statements and the reported amounts of revenue and expenses during the reporting period. Actual results could differ from those estimates.

(c) **Financial instruments**

The Centre's financial instruments consist of cash, accounts receivable and accounts payable and accrued liabilities . Unless otherwise noted it is management's opinion that the Centre is not exposed to significant interest, currency or credit risks.

Notes to Financial Statements (continued)

March 31, 2009

3. Capital disclosures

The Centre has adopted the requirements of CICA Handbook Section 1535 with respect to capital disclosures. The Centre's objectives in managing its capital, which it defines as its net assets, are to maintain a sufficient level to provide for normal operating requirements on an ongoing basis and to continue its objects as disclosed in note 1. The Centre monitors its capital in order to ensure that it has sufficient revenue before committing to expenditures.

4. Other information

The Centre has been operating in premises provided by MAG. MAG has also provided the Centre with ongoing IT equipment, administrative and technical support. MAG has also incurred costs on behalf of the Centre that are not included in these financial statements.